

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KASAAD DORSEY,

Plaintiff,

v.

6:14-CV-23

DETECTIVE JOHN REGAN, and
DETECTIVE RUECKER

Defendants.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

This *pro se* action, brought pursuant to 42 U.S.C. § 1983, was referred by this Court to the Hon. Christian F. Hummel, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

In his February 28, 2014, Report-Recommendation and Order, Magistrate Judge Hummel recommends that Plaintiff's claims for false arrest and false imprisonment be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted. Magistrate Judge Hummel recommends, however, that the Court allow service of the Complaint with respect to Plaintiff's allegations of excessive force against the Defendants. No objections to the Report-Recommendation and Order have been filed, and the time to do so has expired.

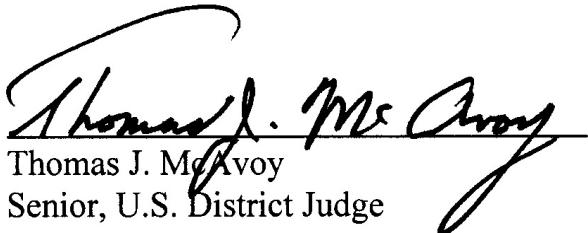
After examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

Accordingly, the Court ADOPTS the Report-Recommendation and Order, dkt. # 10, for the reasons stated therein. Therefore:

1. Plaintiff's claims for false arrest and false imprisonment are hereby **DISMISSED**;
2. Plaintiff's claims alleging excessive force are accepted for filing. Upon receipt from Plaintiff of the documents required for service of process, the Clerk is directed to issue summonses, together with copies of Dorsey's complaint, and forward them to the United States Marshal for service upon the Defendants. The Clerk is also directed to forward a copy of the summons and complaint in this action, by mail, to the corporation counsel for the City of Albany, together with a copy of the report and recommendation and any subsequent order issued by this Court;
3. Plaintiff is advised that all pleadings, motions and other documents related to this action must be filed with the Clerk of the United States District Court, Northern District of New York, Fifth Floor, James T. Foley United States Courthouse, 445 Broadway, Room 509, Albany New York 12207. Any documents sent by any party to the Court or the Clerk must be accompanied by a certificate showing that a true and correct copy of that document was mailed to all opposing parties or their counsel, and that Plaintiff must promptly notify the clerk's office and all parties or counsel of any change in this address. Failure to do so will result in dismissal of this action; and
4. It is further **ORDERED** that a copy of this Decision and Order be served on the parties in accordance with the local rules.

IT IS SO ORDERED.

Date: April 2, 2014


Thomas J. McAvoy
Senior, U.S. District Judge